

FEDERAL COMMUNICATIONS COMMISSION
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TECHNICAL PROCESSING GROUP
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SEP 17 2014

Educational Media Foundation
5700 West Oaks Blvd
Rocklin, CA 95765

In Re: K273BH, Fridley, MN
Facility ID # 140150
BPFT-20110623ADI

Informal Objection

Dear Applicant:

The staff has under consideration: (1) the above-captioned modification application for K273BH, Fridley, Minnesota; (2) the Informal Objection filed by Lakeland Broadcasting Company ("Lakeland") on August 19, 2011; (3) the Informal Objection filed by Jeff Sibert on August 2, 2011; (4) all related pleadings. For the reasons set forth herein, we deny the Informal Objections.

Lakeland purports that the proposed translator will cause interference to the listeners of KQIC(FM), Willmar, Minnesota and will violate Section 74.1204(f) of the rules. In order to provide convincing evidence under Section 74.1204(f) that grant of the translator construction permit "will result in interference to the reception" of an existing full-service station, an opponent must provide, at a minimum: (1) the name and specific address of each listener for which it claims credit; (2) some demonstration that the address of each purported listener falls within the 60 dBμ contour of the proposed translator station;¹ (3) some evidence, such as a declaration from each of the claimed listeners, that the person listens to the full-service station at the specified location; and (4) evidence that grant of the authorization will result in interference to the reception of the "desired" station at that location. The "undesired-to-desired" ("U/D") signal strength ratio methodology may be used to demonstrate the potential for interference under Section 74.1204(f).² Section 74.1204(f) requires the objector to show that a specific U/D signal strength ratio is exceeded at the location of a *bona fide* listener of the desired station to establish that interference will result. The petitioner did not include any listener complaints to comply with the requirements of Section 74.1204(f).

¹ The best method is to plot the specific addresses on a map depicting the translator station's 60 dBμ contour.

² See *The Association for Community Education, Inc.*, FCC 04-155, Para. 13, (rel. July 8, 2004).

Please note, Section 74.1203(a) states that should the translator commence operation and cause interference to KQIC(FM), the translator will be required to eliminate the interference or cease operation.

Jeff Sibert, in his August 2, 2011 Petition, purports that the proposed translator application should be dismissed for the following reasons:

1. It will pose a significant and serious handicap to the establishment of future LPFM stations in contradiction to Local Community Radio Act of 2010.
2. The application proposes power levels in excess of those allowed by 74.1235(b) and is ineligible for processing under 74.1235(a).
3. Rebroadcasting a digital HD only signal, without its analog counterpart, is an abuse of the FM translator service.
4. The application would allow EMF to effectively originate programming on a ‘super-power’ translator that serves approximately one million people in the Minneapolis/St. Paul market.

The Commission created policies and procedures to comply with the Local Community Radio Act of 2010 (“LCRA”).³ These policies and procedures were designed to fully and faithfully effectuate the licensing directives set forth at Section 5 of the LCRA while also taking into account the constraints of limited spectrum and technical licensing requirements. The policies and procedures did not include limitations or restrictions on existing stations within Arbitron markets proposing facility modifications. Therefore, this minor change application did not violate any procedures intended to preserve limited LPFM opportunities in this market.

With respect to the claims that the translator would be in violation of the power limitations of 74.1235, the translator proposes to increase the effective radiated power to 250 watts and rebroadcast KDWB-FM. The proposed 60 dBu service contour will be entirely within the 60 dBu service contour of KDWB-FM, making this translator a “fill-in” translator. Fill-in translators may operate with up to 250 watts. The translator proposes 250 watts and, therefore, complies with Section 74.1235.

The Commission stated in its 2007 Digital Audio Broadcasting Second Report and Order that FM stations may use their additional digital bit rate capacity as they wish. Furthermore, there is no prohibition on translator stations rebroadcasting any digital stream channel from the primary station.⁴ Therefore, we deny the Informal Objection.

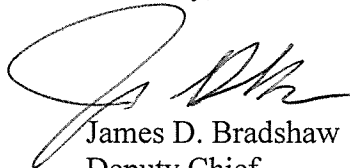
The Objection’s additional claims do not violate any Commission rules or policies and, therefore, are not an impediment to grant.

³ Creation of a Low Power Radio Service and Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations, Fourth Report and Order and Third Order on Reconsideration, MM Docket No. 99-25, released March 19, 2012.

⁴ Letter Decision, Chief, Audio Division, Media Bureau, DA 10-764, FM Translator Station W277BS, Ithaca, NY, released May 3, 2010.

Accordingly, the Informal Objection filed on August 19, 2011 by Lakeland and the Informal Objection filed on August 2, 2011 by Jeff Sibert ARE HEREBY DENIED and the application IS HEREBY GRANTED. These actions are taken pursuant to 47 C.F.R. § 0.283.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Bradshaw', is written over the typed name.

James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

cc: David Oxenford
Frank Jazzo
Jeff Sibert